

DIST/OFFICE	YR.	NUMBER	MO.	DAY	YEAR	J	N/S	O	R	23	S	DEMAND	OTHER	JUDGE	NUMBER	JURY	DEM.	DOCKET	YR.	NUMBER
1085/4	75	0220	06	11	75	3	530	1							8509				75	0220-B

PLAINTIFFS

DEFENDANTS

BILLIE JAY KILLION
and
DELMAR EUGENE HANLEY

DAVE FAULKNER, Sheriff,
Tulsa County,
State of Oklahoma

CAUSE

Federal Habeas Corpus, 28 U.S.C. 2241 et seq; then teen-aged State defendants applying for relief under Radcliff v. Anderson (10th Cir., 1975) 509 F2d 1093

ATTORNEYS Jim Raymond

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Tulsa County Courthouse
Tulsa, Oklahoma 74103
Kay Karen Kennedy
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Attorney General
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Oklahoma City, Okla. 73102
405/521-3921

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	7-1-75 4-1-78
				JS-6	1-1-76 7-1-78

DATE	NR.	PROCEEDINGS
6-11-75	1.	Complaint (Petition for Writ of Habeas Corpus) filed, Summons issued. lm
6-11-75	2.	Minute Order filed, denying petition for writs of habeas corpus. lm
6-11-75	3.	Notice of appeal by petitioners from dismissal entered 6/11/75, filed. rm (copies to USCA and District Atty., Tulsa) (& Atty. Gen.)
6-11-75	4.	Motion of petitioners to enlarge petitioners on their own recognizance during pendency of appeal, w/memo. in support, filed. rm
6-11-75	5.	Appl. of petitioners for certificate of probable cause, and motion to waive appeal bond, w/memo. in support, filed. rm
6-11-75		Summons, ret. & filed: served Dave Faulkner, Sheriff, Tulsa, Ok. on 6-11-75. (USM \$3.00)g
6-16-75	6.	Order, filed, that the petition for writs of habeas corpus, Case No. 75-C-220, is reopened. Further ordered that the petition for writ of habeas corpus of Derek Lee Wilson, Case No. 75-C-227, is consol. w/75-C-220 for purposes of oral argument only. Ordered that Oral Argument is set at 11:00 a.m., Thurs., 6-19-75. (AEB-J)v
6-19-75		Case called for oral arguments. Parties present. Karen Kennedy appearing for Derryberry. Parties make statements. Deft. moves for dismissal of writ of H/C & that no bail be set. Court orders both Pltf. & Deft. to file simultaneous briefs within 10 days, & Findings & Conclusions in matter. Court will make decision. No Bond allowed at this time. Mr. Spears directed to see that prisoners are not moved from Tulsa Co. Jail. (AEB-J)b
6-19-75		Pltf's exhibits 1,2 & 3, filed. b
6-30-75	7	Respondent's Brief, filed. mm
7-1-75	8	Response of Atty. General, filed. g
7-10-75	9.	Memorandum of Petitioners, filed. mm
9-17-75	10.	Motion for Extension of Time of the Petitioners, filed. mm
9-17-75	11.	Order, filed, granting Petitioners a continuance of 15 days to file reply & supplemental briefs. (AEB-J) cps mld mm
10-21	12.	Reply Memorandum of Petitioners, filed. lm
10-22	MO	It is ordered by the Court that respondents are given ten days from this date to file a responsive brief to petitioners' Reply Memorandum. (AEB-J)lm ltrs mld.
11-4	13.	Appl. of State of Ok. for ext. of time to answer reply memorandum, filed. g
11-4	MO	It is ordered by the Court that deft. State of Okla. is granted until 11-21-75 to answer petitioners' reply memorandum. (AEB-J)g <i>March</i>
11-20	14.	Suppl. response of Atty. Gen. in ans. to petitioners reply memo, fld.v
12-22-75	15.	Order, filed & entered, denying the petition for writs of habeas corpus of Billie Jay Killion and Delmar Eugene Hanley, and dismissing the case. (AEB-J)g cpies mailed.
12-23	16.	Notice of appeal by petitioners from judg. of 12/22/75, filed. rm (copies to respondent and USCA) (AEB-J)
1-22-76	17.	Certificate of probable cause, filed/ rm (copy to counsel & USCA)
1-29		Original record on appeal (1 vol) transmitted to USCA. rm
12-7	--	Letter from 10th Circuit that pet. for cert. was filed in Supreme Ct. on 11/28/77 and assigned 77-764. 4m

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-220-B</u>
BILLIE JAY KILLION & DELMAR E.		HANLEY V. DAVE FAULKNER	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
<u>1977</u> 12-12	----	Orig. appeal record (1 vol) received from USCA.rm	
3-8-78	18.	Mandate and Opinion of 10th Circuit, filed and spread of record, vacating Court's judgment of 12/22/75 and remanding cause for further proceedings in accordance with opinion of 10th Circuit; Judges Hill, Seth and Barrett dissenting. rm	
3-9	----	Letter from 10th Circuit that petition for writ of cert. was denied by Supreme Court on 2/27/78. rm <i>3-9 file to be in</i>	
3-14	19	Order, fld. It is ordered that further proceedings are continued for 90 dyas to permit the State Cts. of OK to conduct hrgs. & determine whether the Juvenile Ct. in Tulsa, County, State of OK, would have certified Billie Jay Killion as an adult in 1959 for prosecution as charged in Case No. 17919, in the Dist. Ct. of Tulsa County, State of OK, as well as to determine whether said Juvenile Ct. would have certified Delmar Eugene Hanley as an adult in 1968 for prosecution as charged in Cases No. 23361, No. 23362, & No. 23363, in the Dist. Ct. of Tulsa County State of Ok. (AEB-J)ho c/m	
4-3	20	Deft. mot. to dismiss due to mootness & memorandum brief, fld. ho	
4-3	MO	It is ordered that the Pltfs. are granted 10 days to file a responsive brief to Deft. mot. to dismiss. (AEB-J)ho c/m	
6-1-78		Suppl. to Mandate of USCA, filed; Petitioners Billy Jay Killion, Delmar Eugene Hanley and Derek Lee Wilson allowed appellate costs in sum of \$386.00, as applied for. g	
6-8	MO	Case set for disposition before Mag. Robert Rizley on 6-22-78 at 9:30 a.m. for pltfs' failure to respond to deft's mot. to dismiss. (RSR-Mag)k ntc mld	
6-16	21	Petitioners' response to suggestion of mootness, filed.k	
6-21	MO:	Case is stricken from disposition docket of 6-22-78.(RSR-Mag) b nts by phone	
6-26	22	Order, filed & entered, that the pet. for writ of habeas corpus is dismissed as moot, said relief having been granted by the State Courts of Okla., w/ appellate costs in the sum of \$386.00 as mandated by the Tenth Circuit Court of Appeals. Further ordered that the dismissal is w/out prejudice to the filing of later petitions regarding expungement of records as to the State convictions, if necessary, after State remedies have been exhausted. (AEB-J)k cps mld	
6-30	23	Pltf. bill of costs in the amt. of \$467.00 for both cases, (75-C-227) fld. hrg. set for 7-13-78 at 10:00 a.m. before Clk. ho ntc. by movant.	
7-14	---	Costs taxed in the amt. of \$457.00 in re: case Nos. 75-C-220 & 75-C-227. (JCS-Clk)ho fld.	
9-29	24	Order, fld. the Ct. Clk. should disburse to Fred P. Gilbert a check in the amt. of \$457.00 for reimbursement to Petitioners of costs in the above captioned cases. IT IS SO ORDERED. (AEB-J)ho c/m	

PLAINTIFF	DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
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PROCEEDINGS